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FACSIMILE COVER SHEET

TOTAL NUMBER OF PAGES BEING SENT: 5

[] Original documents to follow by mail [X] No originals will be sent

DATE: December 17, 2007

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Application No.: 10/790,338
Applicant: LUTHRA et al.

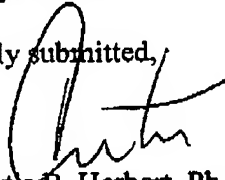
OUR REF.: 2177.16US02

FROM: Curtis B. Herbert, Ph.D., Esq.
PHONE #: 612-605-1038

Attached is the following for filing in the above-identified application.

- (1). Response to Notice of Non-Complaint Appeal Brief; and
- (2). Summary of Claimed Subject Matter.

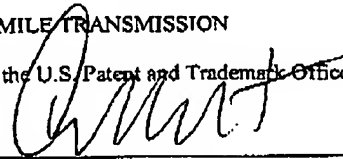
Respectfully submitted,


Curtis B. Herbert, Ph.D.
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Curtis B. Herbert, Ph.D., Esq.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2177.16US02

Luthra et al.

Confirmation No.: 9411

Application No.: 10/790,338

Examiner: Krueger, K.

Filed: March 1, 2004

Group Art Unit: 1773

For: POLYMERIC NETWORK SYSTEM FOR MEDICAL DEVICES AND METHODS OF
USERESPONSE TO NOTICE OF NON-COMPLAINT APPEAL BRIEF

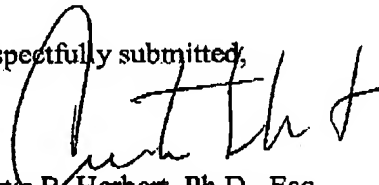
Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Appeal Brief dated November 28, 2007, Appellant submits the attached corrected Summary of the Claimed Subject Matter.

As noted in MPEP 1205.03, if the Summary of the Claimed Subject Matter is defective, only the summary should be filed, and the full brief "should not, be filed." In view of the enclosed documents, Appellant respectfully requests entry and consideration of the Appeal Brief.

Respectfully submitted,



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Application No.: 10/790,338

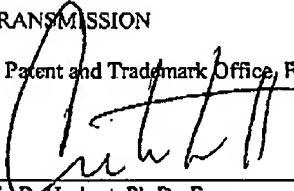
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Application No.: 10/790,338

SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's specification describes a coating for medical devices or medical devices with a coating for the delivery of a therapeutic agent. The pending claims include four independent claims 54, 151, 170, and 190.

Independent claim 54 is directed to a coating for a medical device for delivery of a therapeutic agent, the coating comprising a layer having a composition associated with at least a portion of the device, wherein the composition comprises the therapeutic agent associated with copolymer free of internal crosslinks and comprise a first monomer unit and a second monomer unit, wherein the second monomer unit has a glass transition temperature that is at least about 30 degrees Centigrade higher than the glass transition temperature of the first monomer unit, with a glass transition temperature of a monomer unit being defined as a glass transition temperature of a homopolymer of that monomer unit. The first monomer unit and the second monomer unit is illustrated at least in page 5, line 6 – page 7, line 12. The glass transition temperature (T_g) and copolymers with monomeric units having a predetermined difference in T_g is disclosed at least in page 7, line 14 – page 12, line 19 and examples 1-7. Coating and formation of layers on medical device are disclosed in page 17, line 15 – page 28, line 10 and examples 8-14 and 17-21. Therapeutic agent is disclosed in page 29, line 16 – page 33, line 3 and examples 15 and 16.

A “coating”, as claimed (claims 54, 151, 170, and 190) , is explicitly defined at length in the paragraph bridging pages 17 and 18 of the Application and specifically excludes other polymeric constructs, e.g., sheaths, sleeves, membranes, and molded objects, that can be manufactured separately from a particular device. Coatings intimately contact the device for improved adherence and other properties helpful when the device is implanted. Application, page 2, lines 10-11.

Independent claim 151 is directed to an expandable medical device associated with a material composition for delivery of a therapeutic agent, comprising: an expandable portion of an expandable stent coated with a composition comprising the therapeutic agent associated with copolymer free of internal crosslinks and comprises a first monomer unit and a second monomer

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unit, wherein the second monomer unit has a glass transition temperature that is at least about 30 degrees Centigrade higher than the glass transition temperature of the first monomer unit, with a glass transition temperature of a monomer unit being defined as a glass transition temperature of a homopolymer of that monomer unit (see Application, page 29, lines 10-12).

Independent claim 170 is directed to a coating for a medical device wherein the copolymer has a glass transition temperature between 26 and about 40 degrees Centigrade as measured by differential scanning calorimeter (see Application page 12, lines 15-19).

Independent claim 190 is directed to a coating for a medical device wherein the coating is included with a device that is selected from the group consisting of an implantable device, a device used topically on a patient, a device that contacts a living tissue, a catheter; a guide-wires, an embolizing coil, an implantable lead, an expandable balloon, a vascular graft, a heart valve, an implantable cardiovascular defibrillator, a pacemaker, a surgical patch, a wound closure, a microsphere, a biosensors, an implantable sensor, an ex-vivo sensor, an ocular implant, a contact lens, and a tissue engineering scaffold (see Application page 26, line 20 to page 27, line 12).